

Rebecca White Berch (Justice, ret.), Chair
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SUPREME COURT OF ARIZONA

SUPPLEMENTAL PETITION) Supreme Court No. R-18-0044
REGARDING RULE 45,)
ARIZONA RULES OF PROBATE) <u>Reply re: Supplemental Petition</u>
PROCEDURE)
)
_____)

The Editorial Group submits this Reply concerning the Supplemental Petition.

1. Distribution of the Supplemental Petition. The deadline for filing comments to the Supplemental Petition was November 1, 2019. No formal comments were filed on the Court's Rules Forum, and Editorial Group members received no informal comments. The Editorial Group notes that on October 2, 2019, a link to the Supplemental Petition along with an invitation to comment was provided to (1) individuals who previously filed comments concerning the original R-18-0044 petition; (2) representatives of the State Bar of Arizona's Probate and Trust Section, and the Elder Law, Mental Health, and Special Needs Planning Section; and (3) a representative of the Maricopa County Bar Association's Estate Planning, Probate, and Trust Section.

2. Technical Corrections. After further review of the probate rules adopted by the Court’s August 29, 2019 Order in R-18-0044, the Editorial Group requests the following technical corrections to those rules.

A. Rule 1

Now says: The sections on “scope,” “applicability,” and “construction” were shown without their respective letter designations.

Correction: The section designations (a), (b), and (c) should appear before each respective section title.

B. Rule 15(i)

Now says: “Section (h) does not apply to a petition under Rule 44...”

Correction: “This section does not apply to a petition under Rule 44...” [The correction changes “(h)” to “this section,” i.e., section (i).]

C. Rule 18(b)(1)

Now says: “An order administratively dismissing the only petition filed in a probate case is a dismissal without prejudice of the entire case.”

Correction: “An order administratively dismissing the only petition filed in a probate case is a dismissal without prejudice of the entire case; however, the order dismisses only the petition if the probate case was initiated by filing a document other than a petition.” [This accounts for probate cases initiated by filing a document other than a petition, and

prevents inadvertent dismissal of the entire case if a subsequent petition is filed and thereafter dismissed.]

D. The title to Part VI

Now says: “Rules that Apply to Guardianships, Conservatorships, and Decedent’s Estates.”

Correction: “Rules that Apply to Guardianships, Conservatorships, and Decedents’ Estates.” [The correction makes “decedents’ estates” plural possessive by moving the apostrophe. The correction should be made in both the initial list of rules (titled “Arizona Rules of Probate Procedure/Contents”) and in the title to Part VI that appears directly above Rule 36.]

RESPECTFULLY SUBMITTED this 12th day of November 2019.

By /s/ _____
Rebecca White Berch (Justice, ret.)
Chair, Probate Rules Task Force